

9 FAM PART IV Appendix C, AUSTRIA

(TL:VISA-299; 07-30-2001)

RECIPROCITY

(TL:VISA-299; 07-30-2001)

Class	Fee	No. Applications	Validity
A-1	NONE	MULTIPLE	60 MONTHS
A-2	NONE	MULTIPLE	60 MONTHS
A-3 [1]	NONE	MULTIPLE	24 MONTHS
B-1	NONE	MULTIPLE	120 MONTHS
B-2	NONE	MULTIPLE	120 MONTHS
B-1/B-2	NONE	MULTIPLE	120 MONTHS
C-1	NONE	MULTIPLE	120 MONTHS
C-1/D	NONE	MULTIPLE	120 MONTHS
C-2	NONE	MULTIPLE	12 MONTHS
C-3	NONE	MULTIPLE	60 MONTHS
D	NONE	MULTIPLE	120 MONTHS
E-1 [2]	NONE	MULTIPLE	60 MONTHS
E-2 [2]	NONE	MULTIPLE	60 MONTHS
F-1	NONE	MULTIPLE	60 MONTHS
F-2	NONE	MULTIPLE	60 MONTHS
G-1	NONE	MULTIPLE	60 MONTHS
G-2	NONE	MULTIPLE	60 MONTHS
G-3	NONE	MULTIPLE	60 MONTHS
G-4	NONE	MULTIPLE	60 MONTHS
G-5 [1]	NONE	MULTIPLE	24 MONTHS
H-1B	NONE	MULTIPLE	60 MONTHS [3]
H-1C	NONE	MULTIPLE	60 MONTHS [3]
H-2A	NONE	MULTIPLE	60 MONTHS [3]
H-2B	NONE	MULTIPLE	60 MONTHS [3]
H-3	NONE	MULTIPLE	60 MONTHS [3]
H-4	NONE	MULTIPLE	60 MONTHS [3]
I	NONE	MULTIPLE	60 MONTHS
J-1 [4]	NONE	TWO	60 MONTHS
J-2 [4]	NONE	TWO	60 MONTHS
K-1	NONE	ONE	6 MONTHS
K-2	NONE	ONE	6 MONTHS
K-3	NONE	MULTIPLE	120 MONTHS
K-4	NONE	MULTIPLE	120 MONTHS
L-1	NONE	MULTIPLE	60 MONTHS [3]
L-2	NONE	MULTIPLE	60 MONTHS [3]
M-1	NONE	MULTIPLE	60 MONTHS
M-2	NONE	MULTIPLE	60 MONTHS
N-8	NONE	MULTIPLE	60 MONTHS
N-9	NONE	MULTIPLE	60 MONTHS
NATO 1-7	N/A	N/A	N/A
O-1	NONE	MULTIPLE	60 MONTHS [3]
O-2	NONE	MULTIPLE	60 MONTHS [3]
O-3	NONE	MULTIPLE	60 MONTHS [3]

P-1	NONE	MULTIPLE	60 MONTHS [3]
P-2	NONE	MULTIPLE	60 MONTHS [3]
P-3	NONE	MULTIPLE	60 MONTHS [3]
P-4	NONE	MULTIPLE	60 MONTHS [3]
Q-1 [6]	NONE	MULTIPLE	15 MONTHS [3]
R-1	NONE	MULTIPLE	60 MONTHS
R-2	NONE	MULTIPLE	60 MONTHS
S-5 [7]	NONE	ONE	1 MONTH
S-6 [7]	NONE	ONE	1 MONTH
S-7 [7]	NONE	ONE	1 MONTH
TD [5]	N/A	N/A	N/A
V-1	NONE	MULTIPLE	120 MONTHS
V-2	NONE	MULTIPLE	120 MONTHS [8]
V-3	NONE	MULTIPLE	120 MONTHS [8]

SPECIAL CLEARANCE AND ISSUANCE PROCEDURES

(TL:VISA-180; 10-15-1998)

Posts with CLASS capability should not send IV clearance requests to Vienna unless a CLASS check indicates derogatory information on file there.

DOCUMENTS AND RECPRDS

(TL:VISA-180; 10-15-1998)

NOTE: Except as indicated, each of the documents mentioned below is available only to the individual concerned or to his duly empowered agent. Except for police records which may be obtained only by the individual concerned in person, a local legal representative may obtain the document on behalf of the individual concerned on the latter's written power of attorney.

The processing time required for Austrian civil documents varies depending on the office of court concerned, but normally takes from 2 weeks to 3 months.

Police Record

(TL:VISA-180; 10-15-1998)

Available. Persons residing outside of Austria must apply at the Austrian mission or consulate in their country of residence. Persons residing in Austria must apply to the Federal police in the larger cities or any mayor's office in the rural areas. Application forms entitled "Antrag auf Ausstellung einer Bescheinigung gemaess Paragraph 10 des Strafregistergesetzes" must be used. These forms may be obtained at any of the above Austrian offices. The applicant must apply in person and be able to prove his identity by a suitable document bearing the applicant's photograph. A certificate of Criminal Record (Bescheinigung ueber Verurteilungen) will be issued by the office where the application was filed after a search of the centralized records of the Federal Police Headquarters (Bundespolizeidirektion) in Vienna. However, such certificates will not be issued to persons who are wanted by the Austrian police. Certified copies of court records of conviction (Urteilsabschrift) may be obtained directly from the court by the applicant or his legal representative upon presentation of a power of attorney. These records are available for a period of 50 years from the date of the conviction.

Convictions (except those resulting in a sentence of life imprisonment) are automatically expunged from the centralized penal records after the passage of the specified period of time; for less serious offenses, after five years and for more serious crimes, after 10 or 15 years. An act of clemency or a general amnesty may remove any conviction from the records. Convictions that have been removed from the records will not appear on the Certificate of Criminal Record. The removal of convictions from the records under Austrian law is not recognized for visa purposes, since the innocence of the convicted person is not a pre-condition for the removal.

NOTE: A Certificate of Criminal Record can only be obtained by the applicant.

Prison Record

(TL:VISA-180; 10-15-1998)

Available. [See Police Record above.] No separate prison record is available.

Military Record

(TL:VISA-180; 10-15-1998)

Available. The Republic of Austria maintains a number of military records (generally called "Auszug aus den Militaer Gerichtsakten"). This document may be obtained from the Oesterreichisches Staatsarchiv-Kriegsarchiv, Stiftgasse 2, Vienna VII. Records pertaining to the old Imperial Armed Forces prior to 1918 were partially destroyed during World War II, and, in many cases no document can be obtained covering any trials before a military court during this period. Other records available cover persons who served in the Austrian Army from 1934 to 1938, and also civilians who were tried in military courts during the July 1934 disturbances. Very few records are available concerning persons who served in the German Armed forces during the period when Austria was part of Germany (March 1938 to May 1945), except for records of the 177th Division.

Birth Certificate

(TL:VISA-180; 10-15-1998)

Available. Birth certificates (Geburtscheine) and baptismal certificates (Taufscheine) are both recognized as legal evidence of place and date of birth in Austria, depending upon when and where in Austria a person was, born and what religion the parents professed at that time. Gentiles born prior to January 1, 1939, whose parents, at the time of their birth, professed a religion legally recognized in Austria must apply for birth (baptismal) certificates at the rectory (Pfarramt) of the parish in which they were born. Persons born into the Jewish faith prior to the above mentioned date must apply to the Jewish Community Headquarters (Kultusgemeinde) of the community where they were born. All other persons born prior to January 1, 1939, must apply to the civil district authorities (Politische Bezirksbehoerde) of the district in which they were born. Special regulations apply to persons born in the Federal State of Burgenland, formerly a part of Hungary. If born after 1894, their birth is recorded with the Matriculation Office (Matrikelamt) of the community where they were born.

Since January 1, 1939, civil registration of births has been made compulsory throughout all of the Republic of Austria, and all applications for birth certificates concerning births which took place after that date must be addressed to the Matriculation Office (Standesamt) of the community in which the person was born. For these persons, only a birth certificate issued by the Standesamt, and not a baptismal certificate issued by the christening priest, is recognized as legal evidence and date of birth in Austria. There is a fee for a birth certificate issued in duplicate by the parish or civil authorities or by the Israelitische Kultusgemeinde (Jewish Community), subsequently referred to as Kultusgemeinde.

Marriage Certificate

(TL:VISA-180; 10-15-1998)

Available. Prior to August 1, 1938, the date when the German Marriage Law was introduced into Austria, there were two distinct types of legal marriage ceremonies, the ecclesiastical and the civil. The ecclesiastical ceremony was the required procedure; whereas the civil ceremony was acceptable only in cases of persons who did not belong to any religion legally recognized in Austria, or, in cases where the priest refused the marriage ceremony for reasons not recognized by civil law. In Burgenland, the civil marriage ceremony was compulsory for everyone. Since August 1, 1938, this procedure has been applicable to all of Austria. Marriage certificates are issued by the same offices as birth certificates. There is a fee for marriage certificates issued in duplicate by the civil authorities or issued by the Kultusgemeinde (Jewish).

Divorce Decrees

(TL:VISA-180; 10-15-1998)

Available. Issued by the Superior Courts (known in Vienna and provincial capitals as Landesgericht, and elsewhere as Kreisgericht). Prior to the introduction of the German Marriage Law, divorce decrees were called Trennungsurteil and, after August 1, 1938, Scheidungsurteil. Before August 1, 1938, Jews were able to obtain a divorce from the District Court (Bezirksgericht). Under the old Austrian law, Roman Catholics were unable to obtain a full divorce, but merely a separation from bed and board, which, if based on mutual consent, was granted by the District Court. This impossibility of obtaining a divorce also applied to marriages where only one party was Roman Catholic at the time the ceremony was performed. However, during the period following World War I, up to February 1934, legally separated Roman Catholics could obtain a dispensation in certain of the Austrian Laender (especially Vienna) from the existing bond of matrimony. On the basis of such a dispensation granted by the civil administrative authorities, they could conclude a second (civil) marriage. If such second marriage was subsequently contested by lawsuit, the Federal usually ruled that the second marriage was void. When the German Marriage Law was introduced in Austria in July 1938, persons separated from bed and board under Austrian law could apply to the Superior Court for a decree by which such separation was changed to a full divorce without further proceedings. There is a fee for each two page, or fraction thereof, plus return postage.

Adoption Decree

(TL:VISA-180; 10-15-1998)

Available. Under Austrian law an adoption contract must be concluded between the adopting parent and the adopted child (or its legal guardian) and approved by decree of the District Court (Bezirksgericht), which has jurisdiction over the area where the adopted child resides. A copy of the adoption decree may be obtained by the adopted child or the adopting parents from the court. There is a fee for each two pages, or fraction thereof, plus return postage.

Death Certificate

(TL:VISA-180; 10-15-1998)

Available. Death certificates (Sterbeurkunde) are issued in Austria by the same authorities that issue birth certificates. There is a fee plus return postage for a death certificate issued in duplicate by the parish or by the civil authorities. If issued by the Kultusgemeinde (Jewish), return postage is not required.

Other Records

(TL:VISA-180; 10-15-1998)

Residence certificate. The police certificate of conduct does not list the exact places and periods of residence of the person concerned; therefore, a residence certificate is required to make certain that the applicant's statements concerning his and/or her residence in Austria are correct. Residence certificates are issued in Vienna and in the larger cities by the police authorities, and cover only the residence in that particular community which issued it. In smaller communities, residence certificates are issued by the office of the mayor ('Gemeindeamt'). The certificates are variously titled 'Meldezettel', 'Aufenthaltsbestaetigung', 'Meldungsbestaetigung' and 'Meldeausweis'. The fee for a residence certificate varies according to the issuing authority, plus return postage.

Passports—Information on Travel Documents

(TL:VISA-1117; 04-02-90)

Alien's Passport. The bearer of an Austrian "Alien's Passport" requires a valid Austrian visa to enable the bearer to apply for readmission to Austria. Therefore, such passports meet the requirements of Section 101(a)(30) of the Immigration and Nationality Act, only if they contain an Austrian reentry visa, valid for six months beyond the date of intended stay in the United States.

VISA ISSUING POST

(TL:VISA-1117 04-02-90)

Vienna (E) All Categories
Address: "USEMB Vienna"
APO AE 09108-9900

GEOGRAPHIC AREAS SERVICED

(TL:VISA-1117 04-02-90)

All of Austria.